

**REMARKS**

In response to the outstanding Office Action, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims presented are in condition for allowance. Claims 1, 7, 21, 22, and 26 have been amended. Support for the amendment is found at least in paragraphs [0022] and [0023]. No new matter has been added by this Amendment.

Claims 1-30 are pending.

**Claim Rejections Under 35 U.S.C. § 103**

I. Claims 1-4, 7-11, 15-18, 21, 22, 24 and 25 were rejected under 35 USC § 103(a) as unpatentable over Peters et al. (U.S. Patent Publication 2003/0003926 A1) in view of McBride et al. (U.S. Patent Publication 2002/0114431 A1) and Marutiak (U.S. Patent 5,568,546). This rejection is respectfully traversed.

Claim 1 recites, in part, “responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller”.

The Office Action (page 4) indicates that “responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system (paragraph [0034] lines 9-10; if the caller ID reveals a non-urgent call, the user can allow a voice mail system to answer the call). But, Peters does not particularly disclose wherein the incoming call is sent to a voice mail system without alerting the user of the incoming call.” Additionally, the Office Action (pages 4 and 5) indicates that “However, McBride teaches sending an incoming call to a voice mail system without alerting the user of the incoming call (Abstract; paragraphs [0019]-[0022]; unwanted calls based on their caller ID are sent to a Voice Mail system without causing the phone to ring). Therefore, it would have been obvious to a person having ordinary

skill in the art at the time of the invention, to modify Peters to include the features of sending an incoming call to a voice mail system without alerting the user of the incoming call, as suggested by McBride, since such a modification would prevent disturbing a user when receiving unwanted calls.”

Peters in paragraph [0034] states “The automatic answer mode may be selected by the user by selecting from a menu or using a special key or key strokes. The user may select automatic answer mode prior to receiving calls or may choose to be notified of calls first and then, based possibly on the identity of the caller as displayed through caller ID on the phone display, the user may choose to place the phone 300 into automatic answer mode and move to a location more convenient for taking the call. Alternatively, if the caller ID reveals a non-urgent call or someone to whom the user does not wish to speak with immediately, the user can allow the call to go unanswered or allow a voice mail system to answer the call and take a message from the caller. [emphasis added]”

McBride in the abstract states “A Caller Control System designed to give a person with a telephone full control of their phone calls by providing, in addition to Caller I.D. the ability to send unwanted calls directly to a Voice Mail system without causing the phone to ring.” McBride in paragraph [0019] states that “The invention is generally directed to a Caller Control System which is a software program designed to give any person with a telephone full control of their phone calls by providing, in addition to Caller I.D., a call blocking feature available to reroute calls made by people who intentionally try to keep from being recognized on Caller I.D., and to send any unwanted calls directly to a voice mail system without causing the phone to ring. [emphasis added]” Also, McBride in paragraph [0020] states “Accordingly, it is an object of the invention to provide an improved Caller Control System which restricts access and which automatically handles calls not authorized to be run directly through to a voice mail system for later review at a user’s leisure and convenience. [emphasis added]” McBride in paragraph [0021] states “Another object of the invention is to provide an improved Caller Control System which works with Caller I.D. to restrict access to the phone call recipient if the caller restricts access to its information. [emphasis added]” McBride in paragraph [0022] states “Still another object of the invention is to provide an improved telecommunications system which enhances the Caller

I.D. system to remove unwanted and undesired telephone calls and prevent telephone harassment. [emphasis added]”

Applicant agrees that “Peters does not particularly disclose wherein the incoming call is sent to a voice mail system without alerting the user of the incoming call. (Office Action, page 4)” Indeed, in Peters, the user must view the caller ID and decide whether to answer the call or allow the call to go to voice mail (Peters, paragraph [0019]). However, Applicant further submits that Peters fails to teach or suggest “responsive to a particular caller identification associated with a particular caller” in accordance with the claim elements of claim 1. For example, there is nothing responsive to “if the caller ID reveals a non-urgent call, the user can allow a voice mail system to answer the call (Office Action, page 4)” that reads on claim elements of claim 1.

Applicant submits that McBride teaches sending undesirable calls, unauthorized calls, or unwanted call to voice mail **when** (1) people intentionally try to keep from being recognized on Caller I.D. (McBride, paragraph [0019] and (2) if the caller restricts access to its information (McBride, paragraph [0021]). McBride only teaches to send a call to voice mail under the above two conditions.

The combined teachings of Peters and McBride do not teach or suggest sending a call to voice mail “responsive to a particular caller identification associated with a particular caller” as recited in claim 1. Moreover, the combined teachings of McBride and Peters do not teach or suggest “sending the incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification” as recited in claim 1. Particularly, any call sent to voice mail in McBride is not based on a particular caller’s identification but based on a caller restricting access to his or her caller identification.

Further, the combined teachings of McBride and Peters fail to teach or suggest “wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 1. Since McBride is not concerned with the actual caller identification information, McBride does

not and would not provide “a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 1. As mentioned above, since Peters does not automatically send a caller to voice mail “without alerting the user”, as recited in claim 1, Peters does not and would not teach or suggest “the particular caller sent to the voice mail system without alerting the user...provided with a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 1. Even combined for what they would mean to one skilled in the art, the combined teachings of Peters and McBride fail to teach or suggest “responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 1.

Marutiak, applied for its teaching regarding sorting, does not compensate for the deficiencies of the combined teachings of Peters and McBride. Even taken as a whole for what they would mean to one skilled in the art, the combined teachings of Peters, McBride, and Marutiak does not teach the identified features of claim 1.

For at least the foregoing reasons, claim 1 is patentable over the combined teachings of Peters, McBride, and Marutiak. Therefore, the 35 U.S.C §103 rejection of claim 1, along with its dependent claims 2-4, 7-11, 15-18, should be withdrawn.

With respect to claim 21, the combined teachings of Peters, McBride, and Marutiak fail to teach or suggest “responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 21. For at least the foregoing reasons, claim 21 is patentable over the combined teachings of Peters, McBride, and Marutiak. Therefore, the 35 U.S.C §103 rejection of claim 21 should be withdrawn.

With respect to claim 22, the combined teachings of Peters, McBride, and Marutiak fail to teach or suggest “responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 22. For at least the foregoing reasons, claim 22 is patentable over the combined teachings of Peters, McBride, and Marutiak. Therefore, the 35 U.S.C §103 rejection of claim 22, along with its dependent claims 25, should be withdrawn.

With respect to claim 26, the combined teachings of Peters, McBride, and Marutiak fail to teach or suggest “responsive to a particular caller identification associated with a particular caller, sending the incoming call to a voice mail system without alerting the user of the incoming call based on the particular caller identification, wherein the particular caller sent to the voice mail system without alerting the user is provided with a specific voice mail announcement pre-selected for the particular caller”, as recited in claim 26. For at least the foregoing reasons, claim 26 is patentable over the combined teachings of Peters, McBride, and Marutiak. Therefore, the 35 U.S.C §103 rejection of claim 22 should be withdrawn.

Further, with respect to dependent claim 7, amended claim 7 recites “wherein in said determination that an automatic answering mode applies to the incoming call, input to said determination being made by an automatic answering unit that an automatic answering mode applies to the incoming call includes a Caller ID associated with said caller.” The Office Action (page 5) cites to paragraphs [0032]-[0034] in Peters, and the Office Action indicates that “the user may select an automatic answer mode based on the identity of the caller”. However, the combined teachings of Peters, McBride, and Marutiak fail to teach or suggest that “input to said determination being made by an automatic answering unit that an automatic answering mode applies to the incoming call includes a Caller ID associated with said caller”, as recited in claim 7. Therefore, claim 7 is patentable over the combined teachings.

II. In addition, with regard to claims 5, 6 and 12, these claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Peters, in view of McBride, Marutiak, and

Rutledge (US 2002/0142756) (hereafter "Rutledge"). However, nothing was cited or found in Rutledge that corrects the deficiencies of Peters, McBride, and Marutiak; therefore, because of their dependency, claims 5, 6 and 12 are patentable over the combined teachings of Peters, McBride, Marutiak, and Rutledge.

III. Further, claims 13, 14, 19, 20 and 23 stand rejected under 35 USC 103(a) as allegedly unpatentable over Peters, in view of McBride, Marutiak, and Bremer (US 6,018,671) (hereafter "Bremer"). However, nothing was cited or found in Bremer that corrects the deficiencies of Peters and McBride; therefore, because of their dependency, claims 13, 14, 19, 20 and 23 are patentable over the combined teachings of Peters, McBride, and Bremer.

IV. In addition, claims 27-30 stand rejected under 35 USC 103(a) as allegedly unpatentable over Peters, in view of McBride, Marutiak, and Brown (US 7,010,288) (hereafter "Brown"). However, nothing was cited or found in Brown that corrects the deficiencies of Peters, McBride, and Marutiak; therefore, because of their dependency, claims 27-30 are patentable over the combined teachings of Peters, McBride, and Brown.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that claims 1-30 pending in the application are in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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